



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 5504 of 2026**

Sumit Singh

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Hemant Kumar, Piyush Pandey  
Counsel for Opposite Party(s) : G.A.

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**Court No. - 76**

**HON'BLE NAND PRABHA SHUKLA, J.**

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present application under Section 528 B.N.S.S. has been filed with a prayer to quash the recovery warrant dated 03.08.2024 as well as recovery warrant/arrest warrant dated 21.11.2025 passed in Case No. 20 of 2025 (Rini Singh Vs. Sumit Singh) under Section 125(3) Cr.P.C., pending before the learned Court of Additional Principal Judge, Family Court, Court No. 1, Kanpur Nagar.

3. From the perusal of records, it transpires that the order dated 21.11.2025, issuing warrant of arrest is contrary to the provisions of Section 421 Cr.P.C./461 BNSS.

*"421. Warrant for levy of fine. - (1) When an offender has been sentenced to pay a fine, the Court passing the sentence may take action for the recovery of the fine in either or both of the following ways, that is to say, it may-*

*(a) issue a warrant for the levy of the amount by attachment and sale of any moveable property belonging to the offender;*

*(b) issue a warrant to the Collector of the district, authorising him to realise the amount as arrears of land revenue from the movable or immovable property, or both of the defaulter;*

*Provided that, if the sentence directs that in default of payment of the fine, the offender shall be imprisoned, and if such offender has undergone the whole of such imprisonment in default, no Court shall issue such warrant unless, for special reasons*

*to be recorded in writing, it considers it necessary so to do, or unless it has made an order for the payment of expenses or compensation out of the fine under section 357.*

*(2) The State Government may make rules regulating the manner in which warrants under clause (a) of sub-section (1) are to be executed, and for the summary determination of any claims made by any person other than the offender in respect of any property attached in execution of such warrant.*

*(3) Where the Court issues a warrant to the Collector under clause (b) of sub-section (1), the Collector shall realise the amount in accordance with the law relating to recovery of arrears of land revenue, as if such warrant were a certificate issued under such law:*

*Provided that no such warrant shall be executed by the arrest or detention in prison of the offender."*

4. Matter requires consideration.

5. Issue notice to opposite party Nos. 2 and 3, returnable at an early date.

6. Let the Opposite Party Nos. 2 and 3 file counter affidavit within four weeks. Rejoinder affidavit may be filed within two weeks thereafter.

7. List this case on 21.05.2026 in the daily cause list.

8. Until further order of this Court, the order dated 21.11.2025, issuing warrant of arrest, passed by the Court of Additional Principal Judge, Family Court, Court No. 1, Kanpur Nagar shall remain in abeyance.

9. However, the Court concerned can proceed to recover the arrears in accordance with law.

**March 19, 2026**

Shivani

**(Nand Prabha Shukla,J.)**